

# 12-E13  
D.A.C./1636

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Michal AMIT et al

Serial No.: 09/975,011

Filed: October 12, 2001

For: Clonal Human Embryonic Stem Cell Lines  
and Methods of Generating Same

§ Attorney  
§ Docket: 01/22631  
§

Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

ATTN: DOUGLAS I. WOOD, SENIOR PETITIONS ATTORNEY, OFFICE OF PETITIONS.

REQUEST FOR RECONSIDERATION OF PETITION  
UNDER 37 CFR 1.48(a) AND 1.47(a)

Sir:

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This is in response to the Decision on Petition dated September 18, 2002 which  
response is filed by November 18, 2002 for which no extension of time fees are due.

By said Decision, both petitions under 37 CFR 1.48(a) and 37 CFR 1.47(a)  
were dismissed.

37 CFR 1.47(a)

The reason for the Petition to delete a third inventor was dismissed due to the  
fact that the third inventor was identified as "Joseph Itskovitz" and not as "Joseph  
Itskovitz-Eldor" as originally listed on the executed Declaration.

In response thereto, attached herewith are re-executed Statements and a

37 CFR 1.48(a)

The reason for the dismissal of the Petition to accept the filing with a missing signature was that it was not clear what Declaration was sent to inventor Thomson, i.e., the one that identified inventor Thomson along with Amit and Joseph Itskovitz-Eldor, or with only Amit.

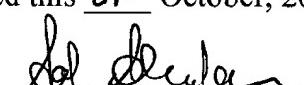
In response, the undersigned declares that the Declaration sent to inventor Thomson for his signature on April 25, 2002 and his employer the Wisconsin Alumni Research Foundation on April 24, 2002, identified only inventors Thomson and Amit therein.

In light of the anticipated granting of the Petition under 37 CFR 1.47(a), the Petition under 37 CFR 1.48(a) should be grantable pursuant to the Decision at page 4, lines 2 – 6.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

It is believed that no additional fees are due for this reconsideration request. Should such fees be necessary, authorization to charge Deposit Account 50-1407 is hereby given.

Respectfully submitted this 21<sup>st</sup> October, 2002



Sol Sheinbein

Registration No. 25,457

Attn: f. A. d. t.



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Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**STATEMENT OF FACTS OF INVENTOR**

I, Michal Amit am a co-inventor of U.S. Patent Application Serial Number 09/975,011 filed October 12, 2001 for Clonal Human Embryonic Stem Cell Lines and Methods of Generating Same. I, James A. Thomson and Joseph Itskovitz-Eldor are the inventors of record. The name of the co-inventor, Joseph Itskovitz-Eldor was inadvertently included in the list of inventors, without deceptive intent.

I hereby request on behalf of myself, and co-inventor Thomson, that the name of Joseph Itskovitz-Eldor be deleted from this list of inventors.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Signed this 15 date of October, 2002.

Michael A. Hirsh

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§ Attorney

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Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**STATEMENT OF FACTS OF INVENTOR**

I, Joseph Itskovitz-Eldor am listed as a co-inventor of U.S. Patent Application Serial Number 09/975,011 filed October 12, 2001 for Clonal Human Embryonic Stem Cell Lines and Methods of Generating Same along with Michal Amit and James A. Thomson. My name was inadvertently included in the list of inventors, without deceptive intent.

I hereby request that my name, Joseph Itskovitz-Eldor, be deleted from this list of inventors.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

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Signed this 9 date of Oct., 2002.

OFFICE OF PETITIONS

J. Itskovitz-Eldor  
Joseph Itskovitz-Eldor



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**Attorney  
Docket:**

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**WRITTEN CONSENT OF CO-OWNER TO DELETE  
INVENTOR UNDER 37 CFR 3.73(B)**

I, Ami Lowenstein, am the Director, Business Development Division of the Technion Research And Development Foundation Ltd., the Senate House, Technion City, 32 000 Haifa, Israel and authorized to sign in its behalf, which is an assignee of U.S. Patent Application Serial Number 09/975,011 filed October 12, 2001 for Clonal Human Embryonic Stem Cell Lines and Methods of Generating Same. In that capacity, I hereby give my consent to the deletion of Joseph Itskovitz-Eldor, as an inventor to this application.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Signed this 9 date of Oct, 2002

Kornack  
Ami Lowenstein

Ami Lowenstein

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